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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,621	04/02/2001	Harold Mattice	403120	1062
27717	7590	04/26/2005	EXAMINER	
SEYFARTH SHAW 55 EAST MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 09/824,621	Applicant(s) MATTICE ET AL.	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 11-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on 7 June 2004 is acknowledged. The traversal is on the ground(s) that the search would not be burdensome and that Group I should be considered to be the subcombination and Group II should be considered to be the combination. This is not found persuasive because:

a. The argument that the invention has been searched before and that it would not be burdensome to search these inventions again does not take into account that the MPEP states that the Examiner may make the restriction at any time that prior to the final office action. (37 CFR §1.142) The present examiner made the restriction requirement on the first office action he issued. No final office action has been issued in the case. Thus the restriction requirement is timely.

As noted above, the restriction requirement was made in the present examiner's first action on the case. While the previous examiner searched the case, the current examiner does not have access to that search. Thus the existence of a previous search does not reduce the burden on the current examiner. As pointed out in the restriction requirement, the inventions are significantly different. For instance, Group I is drawn to a locking device. Group III is drawn to an alarm. The degree of divergence between the subject matter of the groups makes searching the various inventions unduly burdensome.

Furthermore, Applicant has not argued the merits of the restriction of Groups III – V. According to MPEP §818.03(a), if Applicant does not make arguments on the merits of the restriction, then the election is treated as an election without traverse.

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In the interest of fairness, Examiner has reviewed each group and has determined that the burden of examining Group V along with Group I is minimal.

b. Applicant argues that Group II should be considered to be the combination with Group I as the subcombination. Even if this were true, the restriction would still be proper. Group II does not require the local data storage and retrieval system including a storage medium for storing data including personnel identification data and access authorization data. Furthermore, Group I has separate utility as an access control device for standalone gaming machines.

c. The requirement restricting the examination to Groups I & V is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 & 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al (US Patent Number 6,641,483) in view of Graham (US Patent Number 5,093,861).

Claims 1, 32: Luciano teaches an apparatus (Lockable Security Cabinet) for selectively controlling access to one or more of plural physical areas of a gaming machine.

(Abstract) Luciano teaches plural electrically operable lock mechanisms respectively associated with the areas and each physically movable between unlocked and locked conditions with respect to its associated area. (Col 8, 19-21 teaches electronic locks. Fig

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3 teaches a plurality of locks. Locks inherently move between a locked and unlocked position.) Luciano fails to teach the details of the operation of electronic locks. Graham teaches these details.

Graham teaches control circuitry (Fig 3) including a processor (45) operating under control of a stored program (Fig 2) and coupled to each of the lock mechanisms (via strike control relay 51) for controlling operation of the lock. There is a data storage and retrieval system adapted to communicate with the processor and including a storage medium for storing data including personnel identification data and access authorization data indicative of the areas if any, of the machine for which a person seeking access to the machine is authorized – Col 3, 15-18 discloses that this data is stored as a 1X8 matrix stored in memory. There is a data input device (46, 47) coupled to the processor for inputting at least personnel identification data identifying a person seeking access to an area of the machine. (Col 3, 22-24) The processor is responsive to input personnel identification data for operating one or more Lock mechanisms in accordance with access authorization corresponding to an identified person. (Fig 2)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Luciano in view of Graham to include the circuitry and programming described in Graham in order to carry out Luciano's suggestion to use electronic locks. The method of use is rendered obvious by the structure.

Claim 2: Graham's data input device includes a keypad (46).

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Claims 3, 33: Graham's data input device includes a card reader (47), the data storage and retrieval system including a personal data card assigned to a person seeking access to the machine and readable by the card reader. (Col 4, 5-60)

Claim 4: Graham's data input device further includes a keypad (46).

Claim 5: Luciano teaches one or more doors respectively associated with one or more areas and respectively provided with lock mechanisms, each door being movable between open and closed conditions. (Fig 3)

Claim 6: Each of Luciano's lock mechanisms directly controls access to its associated area.

Claim 7: Each door includes a manual latch, the lock mechanism for a door indirectly controlling access to the associated area by controlling enablement and disablement of the manual latch. This is how locks work. The lock mechanism (443) controls the enablement and disablement of a manual latch (locking tab 452). The locking tab actually holds the door shut – not the lock itself.

Claims 8, 35: Graham teaches a sensing apparatus (48) for sensing the condition of each door and each lock mechanism. (Col 7, 4-8)

Claims 9, 34: Graham teaches a remote control apparatus in communication with the processor for control thereof from a remote location. The keyboard is a remote control apparatus that controls the processor from a location remote from the processor. The processor is remote from the locks.

Claim 10: Luciano teaches that at least one area includes a switch (242, etc), the associated lock mechanism enabling and disabling the switch. (Col 5, 50-54)

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Claim 36: Graham teaches providing a manual override key (49) for each lock mechanism and providing an indication (54) when a lock mechanism has been manually operated. (Col 7, 10-18) Graham's manual override switch is presumably in the form of a button or "key". If, however, Applicant intends the term "key" to refer to the type of key that operates a lock, then Luciano teaches the use of such keys (used in combination with the switches 242, etc.) to enable the performance of special functions such as programming the processor. (Col 5, 50-54) Manual operation of the lock would be such a special function. Thus either meaning of "key" is taught by the prior art.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 & 32-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', with a stylized, flowing script.

Corbett B. Coburn

Examiner

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